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11 Attorneys for Defendants
Thomas Casey, Ronald Cathcart,
12 Stephen Rotella and David Schneider

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 CITY OF SAN BUENAVENTURA,

19 Plaintiff,

20 v.

21 KERRY KILLINGER, THOMAS CASEY,
STEPHEN ROTELLA, RONALD CATHCART,
22 DAVID SCHNEIDER, STEPHEN FRANK,
THOMAS LEPPERT, PHILLIP MATTHEWS,
23 MICHAEL MURPHY, WILLIAM REED, JR.,
ORIN SMITH, DELOITTE & TOUCHE LLP,
24 AND DOES 1 through 20,

25 Defendants.
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Case No. CV-09-1980-MEJ JSW

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING TIME FOR
PLAINTIFF'S MOTION TO REMAND
AND DEFENDANTS' ANSWER OR
OTHER RESPONSE TO THE
COMPLAINT**

1 WHEREAS on or about April 17, 2009, the City of San Buenaventura commenced
2 this action in the Superior Court of the State of California, County of San Francisco; and

3 WHEREAS on May 5, 2009, defendants Thomas Casey, Stephen Rotella, Ronald
4 Cathcart, and David Schneider timely filed a Notice of Removal in this Court, with the consent
5 and joinder of defendants Kerry Killinger, Stephen Frank, Thomas Leppert, Phillip Matthews,
6 Michael Murphy, William Reed, Jr., Orin Smith, and Deloitte & Touche LLP; and

7 WHEREAS cases that defendants contend share common questions of fact with
8 this case have previously been transferred by the Judicial Panel on Multidistrict Litigation (the
9 “MDL Panel”) to the Honorable Marsha J. Pechman of the United States District Court for the
10 Western District of Washington pursuant to 28 U.S.C. § 1407; and

11 WHEREAS on May 6, 2009, certain defendants filed a “tag-along” notice with the
12 MDL Panel to inform the MDL Panel that this action is related to other actions previously
13 transferred by the MDL Panel to the Western District of Washington; and

14 WHEREAS plaintiff may file a motion to remand in this action, and the parties
15 agree that defendants’ answers or other responses to the complaint should follow the Court’s
16 decision on any such motion to remand that plaintiff may file;

17 NOW, THEREFORE, the undersigned parties hereby stipulate that:

18 1. Plaintiff’s time within which to file a motion to remand shall be extended
19 until such time as ordered by Judge Pechman in the Western District of Washington following
20 transfer of this action by the MDL Panel, although plaintiff reserves the right to file such remand
21 motion in the Northern District of California prior to a transfer order by the MDL Panel, without
22 prejudice to defendants’ right to argue that the Northern District of California court should defer
23 ruling on the motion to remand until after the MDL Panel’s ruling; and

2. Defendants' time within which to answer or otherwise respond to the Complaint is extended to 45 days from the issuance of an order deciding plaintiff's remand motion, notice from plaintiff that it does not intend to move to remand, or such time as otherwise ordered.

Dated: May 7, 2009


MARK C. MOLUMPY
COTCHETT, PITRE & McCARTHY RP

Attorneys for Plaintiff
LOU SOLTON, MONTEREY COUNTY
TREASURER, ON BEHALF OF THE
MONTEREY COUNTY INVESTMENT POOL

Dated: May 7, 2009


ROBERT J. PFISTER
SIMPSON THACHER & BARTLETT LLP

Attorneys for Defendants
THOMAS CASEY, STEPHEN ROTELLA,
RONALD CATHCART, DAVID SCHNEIDER

Dated: May 7, 2009


DANIEL W. TURBOW RP
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Attorneys for Defendant
KERRY KILLINGER

Dated: May 7, 2009


RONALD L. BERENSTAIN RP
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Attorneys for Defendants
STEPHEN FRANK, THOMAS LEPPERT,
PHILLIP MATTHEWS, MICHAEL MURPHY,
WILLIAM REED, JR., ORIN SMITH

Dated: May 7, 2009


JAMES J. FARRELL RP
LATHAM & WATKINS LLP

Attorneys for Defendant
DELOITTE & TOUCHE LLP

1 SO ORDERED this 12 day of May, 2009.

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4 JEFFREY S. WHITE
5 UNITED STATES DISTRICT COURT JUDGE
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